Document No. 3815
Voted at Meeting of 7/5/79

3815

MEMORANDUM July 5, 1979

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: SECOND AND THIRD AMENDMENTS TO REPORT AND DECISION OF CHAPTER 121A APPLICATION OF SUMMER STREET REALTY CORPORATION

On February 23, 1973, the Authority approved the 121A application of Summer Street Realty Corporation, pertaining to the so-called Stone and Webster building in the South Station project. The first amendment to the application was approved on March 15, 1973, concerning the issuance of common shares of corporate stock.

It is now proposed that the Authority approve and adopt a Second Amendment to the application, as attached hereto. This Amendment declares that an existing insignia erected on the penthouse of the building is authorized under a deviation from Article 11 of the Boston Zoning Code. This application was first submitted to the Authority on October 2, 1974, and was recommended for approval by the staff at that time. However, application was never submitted for Board approval.

The Third Amendment to the application is now proposed. This Amendment grants permission to Summer Street Realty to sell to the Massachusetts Bay Transportation Authority a small sliver of property consisting of 3,009 square feet needed by the MBTA in order to construct the South Station Transportation Center, as approved by the Authority. The sale of this sliver of land was approved by the Authority in its vote to accept the Four Party Agreement between the Authority, the MBTA, the U.S. Postal Service and Summer Street Realty Corporation. Under Chapter 121A, this sale must be approved as an amendment to the 121A application.

In the opinion of the General Counsel, neither of these two amendments constitute a fundamental change and does not require a public hearing. It is therefore recommended that the Authority adopt the attached Second and Third Amendments to the application and Report and Decision.

An appropriate vote follows:

VOTED: That the two Amendments presented at this meeting, entitled "Report and Decision on the Second and Third Amendment to an application for authorization and approval of a project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960 and for consent to the formation of Summer Street Realty Corporation " be and hereby are approved and adopted.

REPORT AND DECISION ON THE SECOND AMENDMENT TO AN APPLICATION FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER CHAPTER 121A OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS AND CHAPTER 652 OF THE ACTS OF 1960 AND FOR CONSENT TO THE FORMATION OF SUMMER STREET REALTY CORPORATION

The Application for Authorization and Approval of a Project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960 and for Consent to the Formation of Summer Street Realty Corporation" was approved by the Boston Redevelopment Authority by its Report and Decision on February 23, 1973. The Report and Decision was approved by His Honor, the Mayor of the City of Boston, on March 1, 1973.

On March 15, 1973, the Authority approved and adopted a First Amendment to the original Application and Report and Decision which Amendment provided that the 121A Corporation, Summer Street Realty Corporation, be permitted to issue 10,000 common shares of stock without par value rather than 100,000 common shares having a par value of One Hundred ($100.00) Dollars each.

On October 2, 1974, Summer Street Realty submitted an application to the Authority for approval of a second amendment to the original Application and Report and Decision requesting permission to place on the Project penthouse the Stone and Webster insignia (the "Triskelion"), a copy of which Application is attached hereto. Although this Application for a Second Amendment received the necessary approval of the Authority staff at the time of its submission it was never formally approved by the Authority. Accordingly, the Applicant in

making Application for a Third Amendment to the original Application and Report and Decision on June 22, 1979, has also made Application for formal approval of the Application for a Second Amendment as first made on October 2, 1974.

The Authority staff is presently satisfied, as it was in 1974, that, as requested by the Application for a Second Amendment, placement on the project penthouse of the single two-tone bronze non-illuminated Triskelion insignia will not derogate substantially from and will thus be consonant with the intent and purpose of Article 11 of the Boston Zoning Code. Therefore the Authority staff has determined, pursuant to Section 13 of Chapter 652 of the Acts of 1960, as amended, that approval of a deviation from said Article 11 permitting the Triskelion is appropriate and proper.

The Chief General Counsel of the Authority is of the opinion that the proposed Second Amendment does not represent a fundamental change in nor does it substantially or materially alter the original Application regarding the Project Area and therefore does not require a public hearing.

Accordingly, the Application and the Authority's Report and Decision thereon, are hereby amended as follows:

1. A deviation from Article 11 of the Boston Zoning Code is hereby granted for the purpose of permitting the placement on the Project building penthouse of a single two-tone bronze non-illuminated Stone and Webster insignia (the "Triskelion") and the placement of said Triskelion on the Project building penthouse is hereby approved.

REPORT AND DECISION ON THE THIRD AMENDMENT TO AN APPLICATION FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER CHAPTER 121A OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS AND CHAPTER 652 OF THE ACTS OF 1960 AND FOR CONSENT TO THE FORMATION OF SUMMER STREET REALTY CORPORATION.

The Application for Authorization and Approval of a Project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960 and For Consent to the Formation of Summer Street Realty Corporation was approved by the Boston Redevelopment Authority by its Report and Decision on February 23, 1973. The Report and Decision was approved by His Honor, the Mayor of the City of Boston, on March 1, 1973.

On March 15, 1973, the Authority approved and adopted a First Amendment to the original Application and Report and Decision which Amendment provides that the 121A Corporation, Summer Street Realty Corporation, be permitted to issue 10,000 common shares of stock without par value rather than 100,000 common shares having a par value of One Hundred ($100.00) Dollars each.

On June 22, 1979, Summer Street Realty Corporation (the "Applicant") submitted an Application ratifying and confirming its Application for a Second Amendment, which Application was made on October 2, 1974, and further requesting approval of a Third Amendment for the purpose of permitting the Applicant to convey for nominal consideration a parcel of land (the "MBTA AREA") located along the westerly or plaza end of the Project Area to the Massachusetts Bay Transportation Authority (the "MBTA") which Area is shown on an attached Plan entitled "Land Acquisition Plan-Summer Street Boston, Mass.-Suffolk County" and dated May 5, 1979.

This conveyance is an integral component of the terms of an Agreement by and among the Authority, the MBTA, the Applicant and the United States Postal Service approved by the Authority on May 3, 1979, and dated June 4, 1979. The purpose of this Agreement and the proposed conveyance, approval of which is requested by the Application for a Third Amendment, is the facilitation of access and egress necessary to construct the InterModal Transportation Terminal at South Station.

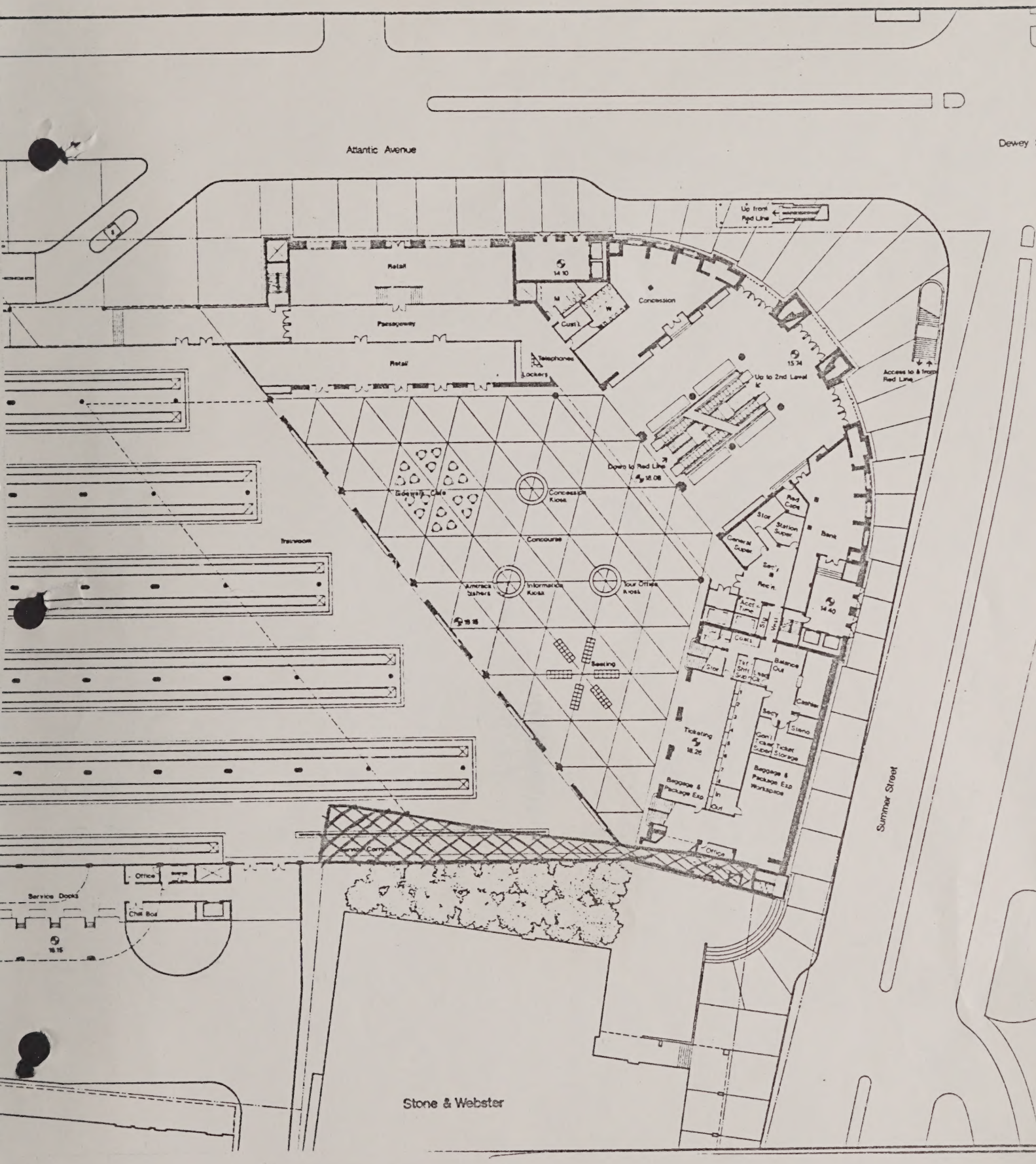
The effect of the proposed conveyance by the Applicant on its Project and Project Area has been reviewed and the resulting change approved by the Authority Staff. The Applicant's calculations in reliance upon Section 15-6 of the City of Boston Zoning Ordinance establish that no deviations from the maximum floor area ratio requirements, minimum parapet setback and yard requirements or any other requirements of any other provisions of said Zoning Ordinance should result from the conveyance. Authority staff concurs in this view of the Applicant and is of the further opinion that since any resulting deviations would not derogate substantially from or be inconsistent with the provisions of the Zoning Ordinance that granting permission for such possible, minimal deviations is appropriate.

It is the opinion of the Chief General Counsel of the Authority that the proposed Third Amendment does not represent a fundamental change nor does it substantially or materially alter the original Application regarding the proposed use of the Project Area and therefore does not require a public hearing.

Accordingly, the Application and the Authority's Report and Decision thereon, are hereby amended so as to approve and authorize the following:

1. the conveyance by the Applicant of the MBTA area of its Project Area for a nominal consideration in conformance with the terms of an Agreement between the Authority, the Applicant, the MBTA and the United States Postal Service dated June 4, 1979;

2. any deviations from the maximum floor area ratio requirements, the minimum parapet setback and yard requirements and any other provisions of the City of Boston Zoning Ordinance which may result from said conveyance.



Sliver of Land To Be Transferred from Summer St. Realty to MBTA